



FDCPA, because it supposedly misled Plaintiff into believing that the United States Government approved the letter.

## **II. FACTS**

Plaintiff identifies certain representatives from the following corporations: NCO Financial Systems, Inc., Arrow Financial Services, LLC, and Academy Collections Services, Inc. (Witnesses 10-12 on Plaintiff's Pre-Trial Memorandum.) These individuals will apparently authenticate certain sample debt collection letters used by these other debt collection services. (Exhibits P11 – P16) It is presumed that Plaintiff will attempt to use these letters to show that other debt collection services do not use an American Flag, or the term "Office of Administration" on their letterhead.

## **III. ARGUMENT**

Relevant evidence is defined under Federal Rules of Evidence 104 as, "Evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."

The issue in this matter is whether Defendant's letterhead that included a flag and the term "Office of Administration" is misleading. The witnesses, and the letters which they will apparently authenticate, have no relevance to this issue. Plaintiff has failed to offer evidence that these letters represent any percentage of the total collection letters used by debt collectors in the industry. Moreover, Plaintiff has failed to offer evidence that the proffered letters represent a particular percentage of the letters used by these three debt collection services. Whether three other debt collection services use an American Flag or the term "Office of Administration" on one of the form letters sent out by that company has no bearing or probative value as to

whether or not the letter sent out by Universal Fidelity Corporation was misleading or deceptive.

#### **IV. CONCLUSION**

As such, Universal Fidelity Corporation moves that corporate representatives from NCO Financial Systems, Inc., Arrow Financial Services, LLC, and Academy Collection Services (Witnesses 10-12 on Plaintiff's Pre-Trial Memorandum) and the same debt collection letters used by these other debt collection services (Exhibits P11 – P16) be excluded from trial.

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